



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12194 of 2021

1. K.Dhanuskodi,

2. D.Murugan,

... Petitioners/Accused Nos.1 & 2

Vs

The State rep by
The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi District.
(Cr.No. 137 of 2021).

... Respondent/Complainant

For Petitioners : Mr. Suyambulinga Bharathi.K,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 137 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1)(g) of Tamil Nadu Prohibition Act in Crime No.137 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 27.05.2021, at about 01.30 pm, on secret information about preparation of illicit arrack, the Sub-Inspector of Police, Srivaigundam Police Station had gone to the place of occurrence for inspection. On seeing the Police, the petitioners escaped. The respondent Police recovered the materials at the place of occurrence and registered the case against the



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Further, they have no previous case. However, to show their *bona fide*, the petitioner have come forward to pay a sum of Rs.5,000/- each to the Chief Minister's Public Relief Fund.

4. The learned Government Advocate (Criminal Side), on instructions, would submit there is no previous case against the petitioners.

5. Considering the fact that the petitioners have no antecedents and that to show their *bona fide*, they are ready to pay Rs.5,000/- each to the Chief Minister's Public Relief Fund, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed and the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Srivaigundam.

6. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaigundam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

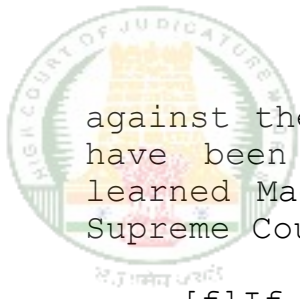
[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m, until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Judicial Magistrate Court is entitled to take appropriate action



against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, Srivaigundam
2. Do Through
The Chief Judicial Magistrate, Thoothukudi.
3. The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Chief Minister's Public Relief Fund,
Finance(CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD) No.12194 of 2021
Date: 31/08/2021

TR/JC/SAR-IV(08.09.2021) 3P 6C

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